

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES M. SMALL,)
Plaintiff,) No. CV-05-0390-MWL
v.) ORDER GRANTING JOINT
JO ANNE B. BARNHART,) MOTION FOR REMAND
Commissioner of Social)
Security,)
Defendant.)

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 16). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 3). After considering the stipulation,

IT IS ORDERED that the above-captioned case be remanded for further administrative proceedings. Upon remand, the ALJ shall:

1) update the medical record; 2) hold a de novo hearing; 3) re-evaluate Plaintiff's residual functional capacity; 4) obtain vocational expert testimony at steps four and five of the sequential evaluation process; 5) complete any other actions necessary to develop the record; and, 6) issue a new decision.

On remand, this case shall be assigned to a new ALJ.

1 This Court hereby reverses the Commissioner's decision under
2 sentence four of 42 U.S.C. § 405(g) with a remand of the cause to
3 the Commissioner for further proceedings. See *Melkonyan v.*
4 *Sullivan*, 501 U.S. 89 (1991).

IT IS FURTHER ORDERED:

6 1. The parties Joint Motion to Remand (**Ct. Rec. 16**) is
7 **GRANTED.**

8 2. Judgment shall be entered for the **PLAINTIFF**.

9 3. An application for attorney fees may be filed by
10 separate motion.

11 4. The District Court Executive is directed to enter this
12 Order, forward copies to counsel, and thereafter shall **close** this
13 file.

14 DATED this 14th day of June, 2006.

S/ Michael W. Leavitt

MICHAEL W. LEAVITT

UNITED STATES MAGISTRATE JUDGE